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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,300	07/14/1999	EDWARD S. MANN II		5978

7590

09/21/2004

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EXAMINER
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HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/308,300	Applicant(s) MANN II ET AL.	
	Examiner Chanda L. Harris	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 38-41 and 43-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38 and 43-62 is/are rejected.
- 7) ☒ Claim(s) 39-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

In response to the Amendment filed on 5/24/04, Claims 38-41 and 43-62 are pending.

Claims 1-37 and 42 are cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 38 and 61-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiang et al. (US 5,535,422).**

1. [Claims 38, 61-62]: Regarding Claims 38 and 61-62, Chiang discloses a user interface (i.e. a menu) that transmits an instruction set having a plurality of instructions (i.e. input actions) for selection by a user and receives at least one selected instruction based upon the instruction set, said at least one instruction designating a target application (i.e. step panel) from a plurality of independently-executable computer applications (i.e. step panels). See Col.3: 27-39. Chiang discloses wherein the user interface further comprises a topic selection interface. See Col.3: 27-29 and FIG.2, element 62. Chiang discloses a data retrieval interface (i.e. monitoring system) that retrieves a plurality of data from a computer memory (e.g. the lesson control file), said

plurality of data based upon at least one instruction. See Col.3: 53-57. Chiang discloses wherein a portion of said data comprises video data (via video display) and a data interpreter that receives said data and said at least one selected instruction, said data interpreter translates said data into a plurality of actions with respect to said target application data and said data. See Col.6: 64-66 and Abstract. Chiang discloses a target application interface (i.e. step panel) that receives at least some of said plurality of actions (i.e. input actions) and that selectively issues some of said plurality of actions for externally operating the target application (i.e. controlling the product to be learned) and that relays feedback from the target application back through the data interpreter to the user interface. See Col.3: 35-39, 46-65. Chiang discloses a peripheral interface that receives at least some of said plurality of actions and selectively issues some of the actions for operating a peripheral device (i.e. a product) having an embedded instruction set (i.e. lesson control file) and a communication port (i.e. monitoring system) and that relays feedback (e.g. error message) from the peripheral device back through the data interpreter to the user interface. See Col.3: 49-65. In response to Applicant's arguments, the product in Chiang is considered to be a peripheral device. Chiang discloses wherein a portion of said data comprises audio data and wherein a portion of said data further comprises video data. See Col.7: 45-48.

Chiang does not disclose expressly wherein the topic selection interface is displayed only when commands are executed via the user interface. However, it would have been obvious to one of ordinary skill in the art that it would have been an obvious matter of design choice whether to continuously display the topic selection interface or

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to display the topic selection interface only when commands are executed via the user interface wherein no stated problem is solved or unexpected result is obtained by displaying the topic selection interface only when commands are executed via the user interface. Further support for design choice is stated in Applicant's specification on p.10, lines 20-23.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 43-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Bullen (US 6,033,226).**

1. [Claims 43,47-49,51, 55-57]: Regarding Claims 43,47-49,51, and 55-57, Chiang does not disclose expressly wherein the data retrieval interface comprises a network interface for accessing said plurality of data from a device coupled to a network, wherein the network interface comprises a local area network interface (i.e., intranet), an Internet interface, and a wireless interface. However, Bullen teaches a local area network interface and a internet interface in Col.4: 8-11. Moreover, wireless interfaces for accessing a plurality of data from a device coupled to a network are old and well known in the art. Therefore, at the time of the invention, it would have been obvious to

one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Chiang, in light of the teaching of Bullen, in order to enable remote communication in any suitable networking manner.

2. [Claims 44,52]: Regarding Claims 44 and 52, Chiang discloses wherein the user interface further comprises a control bar, and wherein the user interface is displayed only when commands are executed via the control bar. See FIG.3, element 72.

3. [Claims 45,53]: Regarding Claims 45 and 53, Chiang discloses wherein the user interface further comprises a topic selection interface, and wherein the topic selection interface is displayed only when commands are executed via the user interface. See Col.3: 27-29 and FIG.2, element 62.

4. [Claims 46,54]: Regarding Claims 46 and 54, Chiang discloses wherein the data comprises video data (via video display). See Col.6: 64-66 and Abstract.

5. [Claim 50]: Regarding Claim 50, Chiang discloses wherein the target application interface selectively takes control of the target application based upon user input. See Col.3: 53-57.

**Claims 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang/Bullen as applied to claims 43 and 51 above, and further in view of Durham et al. (US 5,832,502).**

[Claims 58, 60]: Regarding Claims 58 and 60, Chiang discloses a header block further comprising a type of instruction parameter (i.e. lookup tables). See Col.3: 57-60.

Chiang/Bullen does not disclose expressly wherein said data includes a header block

further comprising a time stamp parameter. However, Durham teaches a header block further comprising a time stamp parameter (i.e., a unique header block comprising a time stamp parameter) in Claim 1. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Chiang/Bullen, in light of the teaching of Durham, in order to indicate the time a particular type of data record was created.

**Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Durham et al. (US 5,832,502).**

[Claim 59]: Regarding Claim 59, Chiang discloses a header block further comprising a type of instruction parameter (i.e. lookup tables). See Col.3: 57-60. Chiang does not disclose expressly wherein said data includes a header block further comprising a time stamp parameter. However, Durham teaches a header block further comprising a time stamp parameter (i.e., a unique header block comprising a time stamp parameter) in Claim 1. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Chiang, in light of the teaching of Durham, in order to indicate the time a particular type of data record was created.

***Allowable Subject Matter***

Claims 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Amin et al. (US 5,953,652)  
-header block with time-stamp data

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature in black ink that reads "Chanda L. Harris". The signature is written in a cursive style with a large, stylized "C" and "H".

Chanda L. Harris

Examiner

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clh